

CLOSED

**U.S. District Court
Eastern District of Virginia - (Richmond)
CRIMINAL DOCKET FOR CASE #: 3:16-cr-00022-HEH-1**

Case title: USA v. Laraway

Date Filed: 02/16/2016

Date Terminated: 07/18/2016

Assigned to: District Judge Henry E.
Hudson

Defendant (1)**Leonard J. Laraway**

TERMINATED: 07/18/2016

represented by **Edwin Frederick Brooks**
Law Office of Edwin F Brooks
6 W Broad St
Richmond, VA 23220
(804) 648-1448
Email: brooks@efbrooks.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

18:922(a)(1)(A) AND 18:923(a); IN
ACCORDANCE WITH 18:924(d), AS
INCORPORATED BY 28:2461(c):
DEALING FIREARMS WITHOUT A
LICENSE; FORFEITURE ALLEGATION
(1)

Disposition

IMPRISONMENT 18 MONTHS;
SUPERVISED RELEASE 1 YEAR; S/A
\$100

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

None

Disposition**Plaintiff**

USA

represented by **Peter S. Duffey**

United States Attorney's Office (Richmond)
 SunTrust Building
 919 East Main Street
 Suite 1900
 Richmond, VA 23219
 (804) 819-5400
 Email: peter.duffey@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: US Attorney

Date Filed	#	Docket Text
02/16/2016	<u>1</u>	INDICTMENT as to Leonard J. Laraway Count 1. (sbea,) (Entered: 02/17/2016)
02/16/2016	<u>3</u>	Minute Entry before U.S. Magistrate Judge Roderick C. Young; Court Reporter: Deanna Arend of Zahn Reporting; USA appearance by David Schiller; on Motion of Government a Summons is to be issued as to Leonard J. Laraway. (sbea,) (Entered: 02/17/2016)
02/17/2016		Set Hearing as to Leonard J. Laraway: Initial Appearance set for February 22, 2016 at 11:00 a.m. in Richmond Courtroom 5300 before Magistrate Judge Roderick C. Young. (sbea,) (Entered: 02/17/2016)
02/17/2016	<u>4</u>	Summons Issued in case as to Leonard J. Laraway; delivered to U.S. Marshals for service. (sbea,) (Entered: 02/17/2016)
02/17/2016	<u>5</u>	NOTICE OF ATTORNEY APPEARANCE: Edwin Frederick Brooks appearing for Leonard J. Laraway (Brooks, Edwin) (Entered: 02/17/2016)
02/22/2016	<u>6</u>	Minute Entry for proceedings held before Magistrate Judge Roderick C. Young: Initial Appearance as to Leonard J. Laraway held on 2/22/2016 ; Court summarized charges; Deft advised of rights; Deft retained counsel; Govt not seeking detention; Deft released on PR Bond with conditions; Arraignment set 3/2/16 at 1:45. (FTR)(mful) (Entered: 02/22/2016)
02/22/2016		Set Hearings as to Leonard J. Laraway: Arraignment set for 3/2/2016 at 01:45 PM in Richmond Courtroom 6300 before District Judge Henry E. Hudson. (mful) (Entered: 02/22/2016)
02/22/2016	<u>7</u>	ORDER Setting Conditions of Release as to Leonard J. Laraway ; Deft released on PR Bond with conditions. Signed by Magistrate Judge Roderick C. Young on 2/22/16. (mful) (Entered: 02/22/2016)
02/22/2016	<u>8</u>	Summons Returned Executed on 2/22/2016 as to Leonard J. Laraway. (sbea,) (Entered: 02/22/2016)
03/02/2016	<u>9</u>	Minute Entry for proceedings held before District Judge Henry E. Hudson (Court Reporter Harding, OCR): Arraignment as to Leonard J. Laraway (1) Count 1 held on 3/2/2016. Deft WFA, entered plea of not guilty, waived trial by jury. Plea Agreement Hearing set for 4/8/2016 at 10:30 AM in Richmond Courtroom 6300 before District Judge Henry E. Hudson. Deft continued on present bond (rpiz) (Entered: 03/02/2016)
03/02/2016	<u>10</u>	WAIVER of Trial by Jury by Leonard J. Laraway (rpiz) (Entered: 03/02/2016)
04/08/2016	<u>11</u>	Minute Entry for proceedings held before District Judge Henry E. Hudson (Court Reporter Harding, OCR): Plea Agreement Hearing as to Leonard J. Laraway held on 4/8/2016. Plea

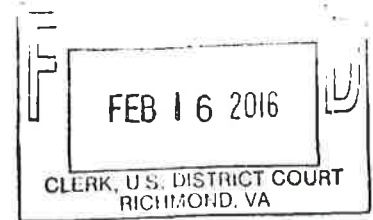
		entered by Leonard J. Laraway (1) Guilty as to Count 1. Sentencing set for 7/8/2016 at 9:30 AM. Deft continued on present bond (rpiz) (Entered: 04/08/2016)
04/08/2016	<u>12</u>	PLEA AGREEMENT as to Leonard J. Laraway (rpiz) (Entered: 04/08/2016)
04/08/2016	<u>13</u>	STATEMENT OF FACTS as to Leonard J. Laraway (rpiz) (Entered: 04/08/2016)
04/08/2016	<u>14</u>	Order for sentencing guidelines as to Leonard J. Laraway: Sentencing set for 7/8/2016 at 9:30 AM in Richmond Courtroom 6300 before District Judge Henry E. Hudson (signed by District Judge Henry E. Hudson on 4/8/2016) (rpiz) (Entered: 04/08/2016)
06/03/2016	<u>15</u>	PRESENTENCE INVESTIGATION REPORT (Disclosed Presentence Investigation Report) (SEALED - government and defense counsel) as to Leonard J. Laraway. Objections to PSI due 06/17/16. (johnston, nel) (Entered: 06/03/2016)
06/17/2016	<u>16</u>	PRESENTENCE INVESTIGATION REPORT (Sentencing Presentence Investigation Report) (SEALED - government and defense counsel) as to Leonard J. Laraway. (Attachments: # <u>1</u> Addendum)(johnston, nel) (Entered: 06/17/2016)
06/22/2016	<u>18</u>	ORDER as to Leonard J. Laraway: It appearing that there is a conflict with the Court's calendar, and there being no prejudice to the Defendant, it is hereby ORDERED that Defendant's sentencing hearing is RESCHEDULED to 7/15/2016 at 9:30 AM (signed by District Judge Henry E. Hudson on 6/22/2016) (rpiz) (Entered: 06/22/2016)
06/22/2016		Set/Reset Hearings as to Leonard J. Laraway: Sentencing reset for 7/15/2016 at 9:30 AM in Richmond Courtroom 6300 before District Judge Henry E. Hudson (rpiz) (Entered: 06/22/2016)
06/27/2016	<u>20</u>	PRESENTENCE INVESTIGATION REPORT (Final Presentence Investigation Report) (SEALED - government and defense counsel) w/Addendum and 2nd Addendum Included as to Leonard J. Laraway. (frere, laurie) (Entered: 06/27/2016)
07/05/2016	<u>21</u>	Position on Sentencing by Leonard J. Laraway and Motion for Downward Variance (Brooks, Edwin) (Entered: 07/05/2016)
07/07/2016		Notice of Correction re: <u>21</u> Position on Sentencing; filing attorney was notified that a multi-part document was not separated. In future filings, attorney is to file the same document again for each pleading or motion. (sbea,) (Entered: 07/07/2016)
07/07/2016	<u>22</u>	Position on Sentencing by USA as to Leonard J. Laraway (Duffey, Peter) (Entered: 07/07/2016)
07/13/2016	<u>23</u>	Position on Sentencing by Leonard J. Laraway <i>Supplemental</i> (Attachments: # <u>1</u> Letter of support, # <u>2</u> Second page of letter of support, # <u>3</u> Letter of support in Chinese, # <u>4</u> Translation of letter in Chinese). (Brooks, Edwin) Modified docket text on 7/13/2016. (sbea,) (Entered: 07/13/2016)
07/15/2016	<u>24</u>	Minute Entry for proceedings held before District Judge Henry E. Hudson (Court Reporter Harding, OCR): Sentencing held on 7/15/2016 for Leonard J. Laraway (1) Count 1. Defendant's motion for downward variance; granted. Sentence imposed: IMPRISONMENT 18 MONTHS; SUPERVISED RELEASE 1 YEAR; S/A \$100. Deft to self-report to designated BOP institution by 2:00 PM on 8/9/2016 (rpiz) (Entered: 07/15/2016)
07/18/2016	<u>25</u>	JUDGMENT as to Leonard J. Laraway (1) Count 1 - IMPRISONMENT 18 MONTHS; SUPERVISED RELEASE 1 YEAR; S/A \$100 (signed by District Judge Henry E. Hudson on 7/18/2016) (rpiz) (Entered: 07/18/2016)
07/18/2016	<u>26</u>	Sealed Statement of Reasons as to Leonard J. Laraway (signed by District Judge Henry E.

Hudson on 7/18/2016) (rpiz) (Entered: 07/18/2016)

PACER Service Center			
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03/06/2018 11:58:26			
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Description:	Docket Report	Search Criteria:	3:16-cr-00022-HEH
Billable Pages:	3	Cost:	0.30

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division



UNITED STATES OF AMERICA)	Criminal No. 3:16cr <u>022</u>
)	
)	18 U.S.C. §§ 922(a)(1)(A) and 923(a)
v.)	Dealing Firearms without a License
)	(Count One)
)	
LEONARD J. LARAWAY,)	Forfeiture Notice
)	
<i>Defendant.</i>)	

INDICTMENT

FEBRUARY 2016 TERM - At Richmond

THE GRAND JURY CHARGES THAT:

COUNT ONE
(Dealing Firearms without a License)

Beginning in or about November 2013, and continuing to in or about October 2015, in the Eastern District of Virginia and within the jurisdiction of this Court, the defendant, LEONARD J. LARAWAY, not being a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, did willfully engage in the business of dealing in firearms. (In violation of Title 18, United States Code, Sections 922(a)(1)(A) and 923(a)).

FORFEITURE ALLEGATION

Pursuant to Rule 32.2(a) Fed. R. Crim. P., the defendant is hereby notified that if convicted of the offense charged in Count One of this Indictment, he shall forfeit any firearms or ammunition involved in or used in any knowing violation of the offense charged. Property

subject to forfeiture includes, but is not limited to, the following:

One SAR Arms, 9mm pistol, Model SARB6P, Serial number T110214G03039.

(In accordance with Title 18, United States Code, Section 924(d), as incorporated by Title 28, United States Code, Section 2461(c)).

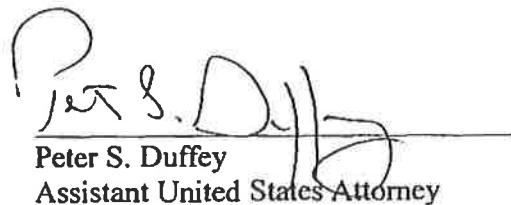
A TRUE BILL

Pursuant to the E-Government Act,
the original of this page has been filed
under seal in the Clerk's Office


FOREPERSON

DANA J. BOENTE
UNITED STATES ATTORNEY

By:


Peter S. Duffey
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

UNITED STATES OF AMERICA

:
:
:
:
:

Case No. 3:16CR00022-001-HEH

LEONARD LARAWAY

**POSITION OF DEFENDANT WITH REGARD
TO SENTENCING FACTS AND FACTORS
AND REQUEST FOR DOWNWARD VARIANCE**

COMES NOW the defendant, LEONARD LARAWAY, by counsel, and pursuant to § 6A1.2 of the Sentencing Guidelines and Policy Statements (November 2015 edition) submits the following statement of position with regard to sentencing facts and factors and request for downward variance.

All objections related to sentencing facts have been resolved to the satisfaction of the defense. There is a piece of new information: Effective July 1, 2016, Mr. Laraway has moved to a less expensive home. The United States Probation Officer and the United States Pretrial Officer were both notified of the change in address, which is not set forth herein for privacy reasons.

Sentencing Factors:

Mr. Laraway concedes that the sentencing guideline range set forth in the PSR is correctly calculated, but asserts that the sentencing range suggested is longer than necessary to meet the goals of 18 U.S.C. §3553(b). The PSR indicates that Mr. Laraway's adjusted offense level is 19, and his Criminal History Category is Category I since he has no prior criminal record.

In fashioning an appropriate sentence in this case this Court must impose a sentence no

greater than that which is sufficient to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; to afford adequate deterrence to criminal conduct; to protect the public from further crimes of the defendant; and to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner. See 18 U.S.C. §3553(a)(2). See also *United States v. Gall*, 128 S.Ct. 586 (2007), *United States v. Hughes*, 401 F.3d 540 (4th Cir. 2005) and *United States v. Pauley*, 511 F3d 468, (4th Cir. 2007).

In determining departures or variances at sentencing, the Court must place on the record an “individualized assessment based on the particular facts of the case before it,” whether the Court “imposes an above, below, or within-Guidelines sentence.” *United States v. Carter*, 564 F.3d 325, 330 (4th Cir. 2009) (internal quotation marks omitted). “[E]very sentence requires an adequate explanation,” however, “a more complete and detailed explanation of a sentence is required when departing from the advisory Sentencing Guidelines, and a major departure should be supported by a more significant justification than a minor one.” *United States v. Hernandez*, 603 F.3d 267, 271 (4th Cir. 2010) (internal quotation marks omitted).

To do so properly, this Court must follow the three-step process set forth in *Gall*. First, this Court must properly determine the guideline range. Second, this Court must determine whether to apply any of the guidelines’ departure policy statements to adjust the guideline. Third, this Court must consider all the factors set forth in 18 U.S.C. §3553(a) as a whole, including whether a variance is warranted.

The factors listed in 18 U.S.C. §3553 (b) support Mr. Laraway’s position that he should be sentenced to 12 months and a day, a variance from the low end of the applicable guideline range (30-37 months). Factor (1) is the nature and characteristics of the offense and the history

and characteristics of the defendant. In this case, Mr. Laraway pleaded guilty to a firearms offense for selling firearms without a Federal Firearms License (hereinafter "FFL") and his guideline range has been enhanced by 10 levels for his undisputed sale of over 400 firearms. Since his arrest, Mr. Laraway has done everything he possibly could in order to address his wrongdoing, which is reflected in the Presentence Report, and the nature of the plea documents entered in the case. He is genuinely remorseful for his conduct, as it has impacted his children, as well as himself, and he realizes now that what he did was wrong, which is what motivated him to try to right the wrongful acts he committed. He will lose his security clearance after July 15, 2016, his current job which is the primary means to provide for his family, including his in laws. He is currently in the process of clearing debt and lowering his family's monthly bills in anticipation of his income dropping precipitously. He has moved his family to a less expensive residence in preparation for the impact this case will cause his family. This is further evidence that Mr. Laraway's rehabilitation has already begun.

Mr. Laraway has no prior criminal record, including no known juvenile record. Mr. Laraway doesn't even have a significant record of traffic infractions. In this case, the mere fact of conviction will be substantial punishment. The second factor that the Court must consider pursuant to 18 U.S.C. §3553(b) is the need for the sentence imposed to (A) reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (B) to afford adequate deterrence to criminal conduct; (C) to protect the public from further crimes of the defendant; and (D) to provide the defendant with needed education or vocational training, medical care, or other correctional treatment in the most effective manner.

Mr. Laraway is intelligent and has masters' degrees, so his academic needs are nonexistent. Unfortunately, his conviction in this case ends his career working for a military

contractor that follows a lengthy and highly decorated career serving the United States of America and helping to preserve all of our freedom. The fact of conviction, and the fact that Mr.

Laraway will be on supervised release will promote Mr. Laraway's respect for the law. Mr. Laraway has tried to be compliant with the conditions of his release, and managed to shed a significant collection of personally owned weapons. A sentence of 12 months and one day of incarceration is more than just and adequate punishment for the offense before the Court. A sentence of 12 months and one day of incarceration would also promote respect for the law, and be just punishment for the offense before the Court. It is not inconsistent with a sentence for other similarly situated defendants with no criminal record. A lengthy sentence will be purely punitive in nature as the rehabilitative needs are slight. A sentence of 12 months and one day will more than adequately deter Mr. Laraway from engaging in any further criminal conduct.

Considering the damage to his career and personal life, there is no chance that Mr. Laraway engages in future criminal conduct. The collateral damage from this case will be so far reaching that it will continue to impact his life years after his supervised release has been completed.

Although a violation of supervised release is unlikely, the Court will have the ability to further punish Mr. Laraway if he fails to abide by the terms of his supervised release. The collateral damage caused by his course of conduct, and Mr. Laraway's being on supervised release will protect the community from the crimes committed by Mr. Laraway. The mere fact of convictions means that Mr. Laraway can neither legally own, possess nor sell a firearm, so the conviction alone deters Mr. Laraway from any future forays into the unlicensed sale of firearms.

Mr. Laraway reports some health problems related to the great deal of stress he's felt due to his criminal prosecution. Although Mr. Laraway has job skills, his conviction will eliminate his security clearance and make it much more difficult to support his family. The transition will

be easier if he is incarcerated briefly, as opposed to close to three years. Meeting the demands of a full time job, as well as the requirements imposed by supervised release, should also deter any further involvement with the criminal justice system. Furthermore, Mr. Laraway has no desire to be involved with illegal activity at all after this case, one that has caused him to lose his job as well as his ability to support his family as he does presently.

The third factor pursuant to §3553 (a) is the kinds of sentences available. In this instance, Mr. Laraway must be incarcerated. This is due to the fact that Mr. Laraway's advisory sentencing range falls in Zone D of the Sentencing Table that is part of the United States Sentencing Guidelines. Mr. Laraway has never been incarcerated previously, so even a sentence of 12 months and one day will be a long one for Mr. Laraway. He does not relish it, yet accepts it as punishment for his wrongdoing. Again, his being convicted causes him to lose his job and his career, and that alone is substantial punishment, as he will struggle in the future to support his family as well as he had in the past.

CONCLUSION

For the reasons set forth above, Leonard Laraway respectfully requests that this Honorable Court sentence him to a term of incarceration of 12 months and one day He further requests that any fine be waived as a result of his continued need to support his family with his job options being substantially limited by the fact of his felony conviction in this case.

Respectfully submitted,
LEONARD LARAWAY

By _____ /s/ _____
Of Counsel

Edwin F. Brooks
Attorney at Law
Six West Broad Street
Richmond, Virginia 23220
(804) 648-1448 - telephone
(804) 648-8001 – facsimile
brooks@efbrooks.com
VSB # 33711

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of July 2016, I electronically filed the foregoing Statement of Position with Regard to Sentencing Facts and Factors with the Clerk of the United States District Court for the Eastern District of Virginia using the CM/ECF system, which will automatically send a notification of such filing (NEF) to the following counsel:

Peter Duffey, Esquire
Assistant United States Attorney
919 East Main Street, Suite 1900
Richmond, Virginia 23219

/s/
Edwin F. Brooks
Attorney at Law
Six West Broad Street
Richmond, Virginia 23220
(804) 648-1448 - telephone
(804) 648-8001 – facsimile
brooks@efbrooks.com
VSB # 33711

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 3:16cr22
)	
LEONARD J. LARAWAY,)	
)	
<i>Defendant.</i>)	
_____)	

STATEMENT OF FACTS

The United States and the defendant agree that the factual allegations contained in this Statement of Facts and in Count One of the Indictment are true and correct, and that the United States could have proven them beyond a reasonable doubt.

1. From in or about November 2013, continuing to in or about October 2015, in the Eastern District of Virginia, defendant, LEONARD J. LARAWAY, not being a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, did willfully engage in the business of dealing in firearms, in violation of Title 18, United States Code, Sections 922(a)(1)(A) and 923(a).

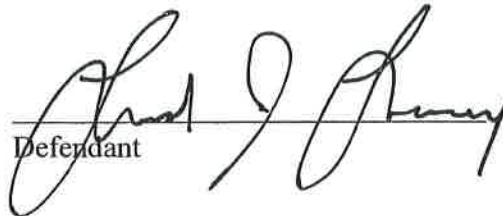
2. During the relevant time period as specified in the indictment, LARAWAY willfully made repetitive purchases of firearms, as defined in Title 18, United States Code, Section 921(a)(3), from a licensed dealer, and then re-sold them to various persons, as a regular course of business. LARAWAY purchased and re-sold over 400 firearms during the relevant time period, with the principle objective of livelihood and pecuniary gain.

3. At no time during the relevant time period specified in the indictment was

LARAWAY licensed to deal, import, or manufacture firearms.

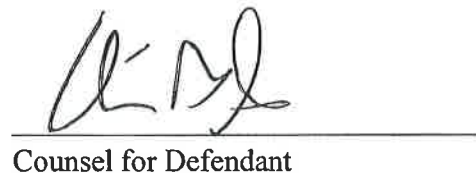
I have consulted with my attorney regarding this Statement of Facts and committed the acts described herein knowingly, intentionally, willfully and without legal justification or excuse, with the specific intent to do that which the law forbids, and not by mistake, accident, or any other reason. I knowingly and voluntarily agree that each of the above-recited facts is true and correct and that had this matter gone to trial the United States could have proven each one beyond a reasonable doubt.

4/8/2016
Date


Defendant

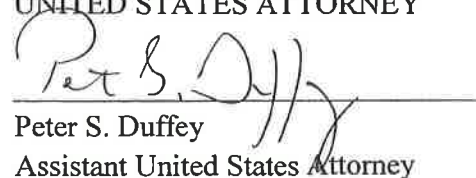
I am counsel for defendant, LEONARD J. LARAWAY. I have carefully reviewed this Statement of Facts with him and, to my knowledge, his decision to agree to this Statement of Facts is an informed and voluntary decision.

4/8/16
Date


Counsel for Defendant

DANA J. BOENTE
UNITED STATES ATTORNEY

By:


Peter S. Duffey
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA)	
)	CRIMINAL NO. 3:16cr22
v.)	
)	Sentencing Date: July 15, 2016
LEONARD J. LARAWAY,)	
)	
<i>Defendant.</i>)	
_____)	

**POSITION OF THE UNITED STATES
WITH RESPECT TO SENTENCING**

The United States of America, through its attorneys, Dana J. Boente, United States Attorney, and Peter S. Duffey, Assistant United States Attorney, and in accord with 18 U.S.C. § 3553(a) and the United States Sentencing Commission, *Guidelines Manual* (Nov. 2015), files this Position of the United States with Respect to Sentencing in the instant case. The United States has no objections or corrections to the presentence investigation report, and asks the Court to impose a sentence of within the advisory guidelines range of 30-37 months. Such a sentence appropriately accounts for each of the factors set forth in 18 U.S.C. § 3553(a).

BACKGROUND

The defendant, Leonard J. Laraway ("Laraway") pleaded guilty to count one of the indictment alleging the dealing of firearms without a license, in violation of Title 18, United States Code, Section 922(a)(1)(A). The probation officer correctly determined that Smith has a total offense level of 19, and a criminal history category of I, yielding an advisory guidelines range of 30-37 months.

ARGUMENT

A Sentence Within the Range of 30-37 Months Complies with the Factors and Considerations Set Forth in 18 U.S.C. § 3553(a) and (b).

Section 3553(a) requires a sentencing court to consider the nature and circumstances of the offense and the history and characteristics of the defendant, as well as the need for the sentence imposed to: reflect the seriousness of the offense, promote respect for the law, provide just punishment for the offense, afford adequate deterrence to criminal conduct, protect the public from further crimes of the defendant, and provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

Nature and Circumstances of the Offense: Applying these sentencing factors to the facts of this case demonstrates that a sentence of incarceration within the advisory range is appropriate and reasonable. As the PSR indicates, the evidence in this case shows that the defendant, over a two-year period, purchased and re-sold over four hundred firearms to various individuals in the Eastern District of Virginia. Because these re-sales were conducted by Laraway, and not through a licensed firearms dealer, there were no records required to be completed by any of the purchasers regarding these sales. This type of criminal activity does present a danger to the community given that hundreds of firearms entered the stream of commerce without any regulation. Here, a sentence within the advisory range is warranted by this defendant's actions.

History and Characteristics of Defendant: The defendant appears before the court as a 53 year-old man with no criminal history, but his pattern of consistently purchasing and then re-selling firearms over a two-year period militates against any sentence below the correctly calculated, advisory range of 30-37 months.

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of July, 2016, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all parties of record.

/s/

Peter S. Duffey
Assistant United States Attorney
VSB No. 39477
Office of the United States Attorney
600 E. Main Street, Suite 1800
Richmond, VA 23219
(804) 819-5473 Fax: (804) 771-2316
peter.duffey@usdoj.gov

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

UNITED STATES OF AMERICA

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:
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:

Case No. 3:16CR00022-001-HEH

LEONARD LARAWAY

SUPPLEMENTAL STATEMENT OF POSITION OF DEFENDANT
WITH REGARD TO SENTENCING FACTS AND FACTORS

COMES NOW the defendant, LEONARD LARAWAY, by counsel, and pursuant to § 6A1.2 of the Sentencing Guidelines and Policy Statements (November 2015 edition) submits the following supplemental statement of position with regard to sentencing facts and factors.

The impact that a lengthy prison sentence would have on Mr. Laraway's family is reflected in the two letters of support attached as Exhibits to this Supplemental Statement of Position. The first is written by Yali Yin, Mr. Laraway's wife, and the second is written by his in laws. It was written in their native language, Mandarin Chinese, and translated to English by Ms. Yin. Mr. Laraway has sold all of his personal collection of firearm to Dance's Sporting Goods, a Federal Firearms Licensee. Counsel will have receipts evidencing the sale in his possession for review by the Government, the Bureau of Alcohol, Tobacco and Firearms ("ATF") or the Court upon request. Finally, all firearm parts observed by Pretrial Services have been discarded. Mr. Laraway does wish to self-surrender to serve any sentence of incarceration ordered in this case.

CONCLUSION

For the reasons set forth above, Leonard Laraway respectfully requests that this Honorable Court sentence him to a term of incarceration not to exceed 12 months and one day. He further requests that any fine be waived as a result of his continued need to support his family with his job options being substantially limited by the fact of his felony conviction in this case.

Respectfully submitted,
LEONARD LARAWAY

By _____ /s/ _____
Of Counsel

Edwin F. Brooks
Attorney at Law
Six West Broad Street
Richmond, Virginia 23220
(804) 648-1448 - telephone
(804) 648-8001 – facsimile
brooks@efbrooks.com
VSB # 33711

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of July 2016, I electronically filed the foregoing Supplemental Statement of Position with Regard to Sentencing Facts and Factors with the Clerk of the United States District Court for the Eastern District of Virginia using the CM/ECF system, which will automatically send a notification of such filing (NEF) to the following counsel:

Peter Duffey, Esquire
Assistant United States Attorney
919 East Main Street, Suite 1900
Richmond, Virginia 23219

/s/
Edwin F. Brooks
Attorney at Law
Six West Broad Street
Richmond, Virginia 23220
(804) 648-1448 - telephone
(804) 648-8001 – facsimile
brooks@efbrooks.com
VSB # 33711 .

Dear Honorable Judge:

It is with much sorrow that I have to write this letter pleading mercy from this Honorable Court for my husband, Leonard J Laraway.

July 15th, 2016 is an extremely hard day for my family, especially my daughter Alina. It is her 8 year birthday that she has been anxiously waiting for and without her knowledge, it is also a day that her beloved daddy's fate will be decided. I have been shielding my kids 4 year old Ellie and 7 year old Alina from all this family turmoil that has been torturing me since the ATF visit to our house last year.

I know that my husband has made the biggest mistake in his life and I have witnessed his deepest remorse ever since. It is detrimental to his career and his family. However, we also recognize that it is a mistake that he made with poor judgement.

He loves gun due to his military experience. He started out as a gun lover and gun collector. As he gradually trading guns with other folks who love guns too, he got more and more involved it and in the end lost his judgement and made poor decisions that crossed the line.

Absent his one-time mistake, he has been a law abiding citizen, a hard worker, and a loving daddy for two young kids for a long time. He has served his country in the military and won a medal for his service in Iraq.

He has been a major provider for his family and a loving father for his two young girls. Both Ellie and Alina are closely bonded with him and it would be terribly hard for them to know that their daddy won't be there for them when they need him.

I am a working mom with modest income and I have diabetes. If my husband is going away, I will have a really tough time to

juggle between two young children and my demanding and rigid work schedule. I don't know how I am going to drop and pick up my kids and taking care of them every day while not getting myself fired from work because of tight time schedule. I cannot afford to lose my job while knowing that my husband's job is for sure will be lost and he will have a tough time to find another place that is willing to hire him because of his criminal record.

I fully understand that Leonard J Laraway should be punished for his crimes. I do plead with this Honorable Court that you take into account that he is a loving father of two innocent young girls and his is much needed in supporting his family. Not that his actions should be excused; but in the sense that he needs redemption and rebuild his life from his mistake due to poor judgement.

Your Honor, two and a half years is a long time as punishment for a person who has been a law abiding citizen and a contributing member to our society and made a one-time mistake due to poor judgement. He regrets deeply for his wrongdoing and he deserve another chance to rebuild himself and his family. I sincerely plead that this court will consider this when imposing sentence. It is with a wife's heartfelt sincerity and love for my husband that I implore this Honorable Court to consider a lesser sentence.

Thank you for your time and consideration.

Respectfully,

A handwritten signature in black ink, appearing to be 'Yali Yin', written in a cursive style.

Yali Yin

请愿书

尊敬的法官阁下：

我们是两位分别72和78岁的中国高龄老人。2016年3月19日来美探视，获悉我们的独生女儿尹雅莉的丈夫Leo触犯美国联邦法律，理应受到美国法律的制裁。

但是，鉴于我们的独生女儿尹雅莉身患严重的糖尿病，她一人无力承担起这个六口之家的重任；加之两个未成年的外孙女，大的还末满8岁，小的仅4岁。我们两个老人年老多病，并且经济困难。

Leo是这个六口之家的顶梁柱，如果Leo被判，将会导致这个困难家庭的垮塌，无法维持。可怜两个小外孙女和两个年事已高的老人，共四个没有劳动能力和经济收入的人将无依无靠，生命难以维持。

故此，我们两个中国老人恳请法官先生从人道方面考量，给予Leo从轻判处，监外执行。

此礼呈上

请愿人： 两位中国老人 尹孟杰
黄慕萍

2016.7.8

Dear Honorable Judge:

We are Leonard J Laraway's mother in law Muping Huang and father in law MengJie Yin. We are 72 and 78 years old respectively. We came from China to the US visiting our daughter's family on 3/19/2016 and found out that our daughter's husband Leo Laraway has a criminal case against him and will be sentenced in July this year.

Yali is our only child and she has diabetes. Our granddaughter Ellie is only 4 years old and Alina will be 8 years old on July 15th this year. We are low income and retired seniors from China. Leo is the main income earner for this whole family. If Leo is sentenced to two and a half years in prison, this whole family will be under extreme stress both financially and emotionally.

I hope that Your Honor will take the welfare of our two young granddaughters and our daughter into consideration and may offer some leniency in sentencing.

Sincerely,

Handwritten signatures of Muping Huang and Mengjie Yin in black ink. The signatures are written in Chinese characters and are positioned above the printed names.

Muping Huang and Mengjie Yin